

## AFFIDAVIT OF NON-SERVICE

<b>Case:</b> 9:20-cv-1413 (TJM/ML)	<b>Court:</b> UNITED STATES DISTRICT COURT NORTHERN DISTRICT	<b>County:</b> Onondaga, NY	<b>Job:</b> 5261720
<b>Plaintiff / Petitioner:</b> The Estate of Joseph P. King, } by and through its administrator } Ad Prosequendum, Amy King, } and Amy King, in her own right,		<b>Defendant / Respondent:</b> Joseph Ward, Superintendent } of Mid-State Correctional Facility (NY), } in his individual capacity; John Does } Corrections Officers (1- 10, fictitious } COMPLAINT individuals), in their individual capacities; } Jami Palladino, Mid-State Social } JURY TRIAL DEMANDED Worker, in her individual capacity; Hal } Meyers, Mid- State Chief Mental Health } Counselor, in his individual capacity; } Anthony J. Annucci, Acting Commissioner, } State of New York Department of } Corrections, in his individual capacity; and } Marie T. Sullivan, MD, Commissioner, } State of New York Department of Mental } Health, in her individual capacity.	
<b>Received by:</b> JP Process Serving		<b>For:</b> LENTO LAW GROUP	
<b>To be served upon:</b> Joseph Ward, Superintendent } of Mid-State Correctional Facility (NY),			

I, JAKEEM PENN, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

**Recipient Name / Address:** Joseph Ward, Superintendent } of Mid-State Correctional Facility (NY),, PLACE OF EMPLOYMENT: 9005 OLD RIVER RD, MARCY, NY 13403

**Manner of Service:** Unsuccessful Attempt

**Documents:** COMPLAINT, JURY TRIAL DEMAND

**Additional Comments:**

1) Unsuccessful Attempt: Jan 18, 2021, 12:19 pm EST at PLACE OF EMPLOYMENT: 9005 OLD RIVER RD, MARCY, NY 13403  
No one is in the office today.

2) Unsuccessful Attempt: Jan 19, 2021, 12:47 pm EST at PLACE OF EMPLOYMENT: 9005 OLD RIVER RD, MARCY, NY 13403  
He is not the SUPERINTENDENT. He has been gone for 5 years now.

3) Unsuccessful Attempt: Jan 21, 2021, 4:10 pm EST at Home: 19 BONNIE BRAE, UTICA, NY 13501-5904  
No answer at the house.

4) Unsuccessful Attempt: Jan 22, 2021, 12:55 pm EST at Home: 19 BONNIE BRAE, UTICA, NY 13501-5904  
Vehicles in the driveway. Footprints in the snow leading to the house but no one is answering the door

5) Unsuccessful Attempt: Jan 23, 2021, 5:23 pm EST at Home: 19 BONNIE BRAE, UTICA, NY 13501-5904  
I believe someone is home but just not answering the door. Is a vehicle in the driveway can't see any lights the curtains are too thick. The dog was just not outside while I was knocking on the door

6) Unsuccessful Attempt: Jan 27, 2021, 3:07 pm EST at Home: 19 BONNIE BRAE, UTICA, NY 13501-5904  
No one is answering the door. I can see foot traffic to the door from the vehicle. But no one will answer the house door.

7) Unsuccessful Attempt: Feb 1, 2021, 12:41 pm EST at PLACE OF EMPLOYMENT: 9005 OLD RIVER RD, MARCY, NY 13403  
No answer at the house.

8) Feb 4, 2021, Taped to the door. Regular Mailing and Certified Mailing 7016 3010 0000 1799 3115

**Fees:** \$35.00

JAKEEM PENN

JP Process Serving  
P.O. BOX 105  
UTICA, NY 13503  
315-542-6115

Date

2/8/21

Subscribed and sworn to before me by the affiant who is personally known to me.

Notary Public

Date

Commission Expires

BRENT WHITTINGTON  
Notary Public, State of New York  
Reg. No. 01WH9124115  
Qualified in On County  
Commission Expires March 20, 2021

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 9:20-cv-01413-TJM-ML

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) Joseph Ward  
was received by me on (date) January 14, 2021

☐ I personally served the summons on the individual at (place) \_\_\_\_\_  
on (date) \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on (name of individual) \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of (name of organization) \_\_\_\_\_  
on (date) \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☒ Other (specify): I mailed a copy to the individual's last known address as pursuant to rules of service as  
required. Regular & Certified Mail at 19 Bonnie Brae, Utica, NY  
13501, on February 4, 2021

My fees are \$ 35.00 for travel and \$ 0.00 for services, for a total of \$ 35.00.

I declare under penalty of perjury that this information is true.

Date: 2/4/21

[Signature]  
Server's signature

Jakeem Penn SR Server  
Printed name and title

500 Seneca St Utica NY 13503  
Suite 105 Server's address

Additional information regarding attempted service, etc:

7016 3010 0000 1799 3515

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®.	
Utica, NY 13501	
Certified Mail Fee	\$3.60
Extra Services & Fees (check box, add fees to postage)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$1.15
Total Postage and Fees	\$4.75
Sent To: Joseph Ward	
Street and Apt. No., or PO Box No. 19 Bonnie Brook	
City, State, ZIP+4® Utica NY 13501	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

0503 24  
Postmark Here  
02/04/2021